

SENATE BILL 2464

By Roberts

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 56 and Title 71, relative to medical  
assistance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

(a)

(1) For the purpose of improving the health and well-being of individuals receiving medical assistance pursuant to this part, on or before September 1, 2018, the commissioner of finance and administration shall submit a waiver amendment request to the TennCare II waiver in effect for providing medical assistance in this state that requires certain non-elderly, non-pregnant, adult beneficiaries who are eligible for medical assistance on a basis other than disability to participate in work or other community engagement activities as provided in this section. To the extent feasible, the waiver amendment should seek to align any required work and community engagement with the requirements of the temporary assistance to needy families program under the Families First Act of 1996, compiled in chapter 3, part 1 of this title. The waiver is to be consistent with the most recent guidance to state medicaid directors provided by the federal centers for medicare and medicaid services (CMS) concerning opportunities to promote work and community engagement in demonstration projects authorized under § 1115 of the federal social security act (42 U.S.C. § 1315).

(2) The waiver amendment shall take effect on January 1, 2019, after its approval by the appropriate federal authority or on any later date specified in the approved waiver amendment.

(b) In addition to other eligibility requirements imposed by this part or by the TennCare II waiver, in order for an individual to enroll in and receive medical assistance from the TennCare program, an individual must:

(1) Engage in twenty (20) hours or more of work per week, which is averaged on a monthly basis, and comply with related work program requirements as determined by the bureau of TennCare;

(2) Volunteer or participate in other acceptable forms of community engagement for twenty (20) hours or more per week, which is averaged on a monthly basis, and comply with related community engagement program requirements as determined by the bureau of TennCare;

(3) Engage in work or community engagement under subdivisions (b)(1) and (b)(2) for a combined total of twenty (20) hours or more per week, that is averaged on a monthly basis; or

(4) Be exempt from the requirements of this subsection (b) under subsection (c).

(c) The requirements of subsection (b) do not apply to an individual who:

(1) Is younger than nineteen (19) years of age;

(2) Is older than sixty-four (64) years of age;

(3) Has been medically certified as physically or mentally unfit for employment;

(4) Is pregnant;

(5) Is a parent or caretaker responsible for the care of a dependent child under one (1) year of age;

(6) Is a parent or caretaker personally providing care for a dependent child with a serious medical condition or disability as determined by the bureau of TennCare;

(7) Is receiving benefits under the Tennessee Employment Security Law, compiled in title 50, chapter 7, and is complying with any work requirements that are part of the federal-state unemployment compensation system; or

(8) Is participating in a substance abuse or alcohol treatment and rehabilitation program.

(d) The waiver shall also authorize the commissioner to require enrollees to participate in the following activities:

(1) Annual wellness visits;

(2) Drug testing based on reasonable suspicion to the extent permitted by federal law; and

(3) Regular visits to appropriate healthcare providers.

(e) The waiver shall also authorize the commissioner to require enrollees be subject to a two-tier system of copayments for use of an emergency department.

(f) The commissioner of finance and administration is also authorized to seek any beneficial state plan amendment in order to implement the provisions of this section.

SECTION 2. The commissioner of finance and administration is authorized to promulgate rules to effectuate the purposes of this act. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.